

Declaration under 37 C.F.R. § 1.132

In re patent application of

Lyngstadaas et al.,

US application No.: 09/885, 725

Filed: June 19, 2001

For: Matrix protein compositions for dentin regeneration

Assistant Commissioner for patents

Alexandria, Virginia 223313-1450

Sir:

I, Ivan Slaby, hereby declare as follows:


- I am currently affiliated at the Department of Biomaterials, Faculty of Dentistry, University of Oslo, Norway
- I am one of the inventors of United States Patent US 6,300,062
- I have received the Official Action dated September 25, 2006 regarding application No.: 09/885, 725, and offer the following comments with respect thereto.

In United States Patent US 6,300,062, we teach that enamel matrix enables mineralization of already existing hard tissue, such as dentin. We do not direct nor teach that enamel matrix should be administered to exposed vital dental pulp tissue to promote one or more of regeneration of secondary dentin or formation of reparative dentin or osteodentin. Although we describe the mineralization of existing primary dentin, we had no knowledge, nor were we inclined to suspect about any potential effect of enamel matrix proteins on the *de novo* synthesis of any dentin.

Consequently, the term "a lesion of a tooth", as referred to in United States Patent US 6,300,062, was not intended to encompass any damage or injury to the tooth that would have lead to exposed vital dental pulp tissue, as such

an exposure would in itself imply the absence of dentin to be mineralized according to our invention.

It is my sincere belief that the person skilled in the art without doubt knows that a simple lesion in a tooth is fundamentally different to a major dental trauma involving exposure of dental pulp, or a major dental procedure such as pulpotomy or pulpectomy, or especially deep cavities.

January 18, 2007 
Date Signature